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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 UNITED STATES OF AMERICA,

12 Petitioner,

13 v.

14 RAYMOND ONG,

15 Respondent.

CASE NO. C-06-4411 JF

**STIPULATION TO CONTINUE
 HEARING AND [Proposed] ORDER
 THEREON**

Date: August 31, 2007
 Time: 9:00 a.m.
 Crtrm.: # 3, 5th Floor
 San Jose, California
 Judge: The Honorable Jeremy Fogel

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 18 IT IS HEREBY STIPULATED AND AGREED by and between the Petitioner, the United
 19 States of America, and the Respondent, Raymond Ong ("Mr. Ong"), by and through the signatures
 20 of their respective counsel as set forth below, that the hearing currently scheduled to occur on
 21 Friday, August 31, at 9:00 a.m., shall be continued to Friday, November 2, 2007, at 9:00 a.m. The
 22 bases for this stipulated continuance are as follows:

23 1. Mr. Ong has produced all documents in response to the administrative Internal
 24 Revenue Service Summons served upon him that is the subject of this action.

25 2. The underlying Summons is a collection Summons, in that it calls for information
 26 related to the assets of Mr. Ong, so that the Internal Revenue Service can determine, *inter alia*,
 27 whether he has an ability to pay the federal taxes assessed against him. However, the taxes
 28 assessed against Mr. Ong are based on Substitutes for Return prepared by the Internal Revenue

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1 Service, as he did not himself file returns for the relevant years on the dates due.

2 3. As he advised the Court, it is Mr. Ong's intention to file returns for each of the
3 years for which he did not previously do so, in order to properly and accurately report his income,
4 deductions and the amount of taxes due. Mr. Ong has been working with an accountant to prepare
5 the returns in question, but the process is not yet complete.

6 4. Once his returns are filed, Mr. Ong will be prepared to present testimony in
7 response to the summons as to his ability to pay any taxes due reflected on the anticipated returns.

8 5. In addition to the above, counsel for the United States, Thomas Moore, is in the
9 midst of preparing for an imminent trial and, as such, is unavailable to appear at the hearing on the
10 date currently scheduled, August 31, 2007.

11 6. In light of the fact that Mr. Ong is diligently working to prepare and file his returns
12 for the relevant years, and the fact that counsel for the United States is unavailable to attend the
13 August 31, 2007, hearing, the parties agree that the hearing in this matter presently scheduled for
14 August 31, 2007, be continued to Friday, November 2, 2007, a date after which Mr. Ong will have
15 filed his returns. This continuance will also allow sufficient time for the IRS to process the
16 anticipated returns and interview Mr. Ong for collection purposes on the basis of the taxes
17 reflected due on such returns.

18 **IT IS SO STIPULATED.**

19 Respectfully submitted,

20 SCOTT SCHOOLS
21 United States Attorney

22
23 DATED: August 28, 2007 By: /s/ Thomas Moore
24 THOMAS MOORE
25 Assistant U.S. Attorney
26 Tax Division
27 Attorneys for Petitioner
28 United States of America

SIDEMAN & BANCROFT LLP

DATED: August 28, 2007

By: /s/ Emily J. Kingston


EMILY J. KINGSTON
Attorneys for Respondent
Raymond Ong

ORDER

Pursuant to the Stipulation of the parties as set forth above,

IT IS HEREBY ORDERED that the hearing scheduled for Friday, August 31, 2007, at 9:00 a.m., shall be continued to Friday, November 2, 2007, at 9:00 a.m.

Dated: 8/29/07


THE HONORABLE JEREMY FOGEL
United States District Judge

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